

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 332

Short Title: Streamline Comm./Multifam. Bldg. Plan Review. (Public)

Sponsors: Representatives Zenger, Johnson, Tyson, and Potts (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government - Land Use, Planning and Development, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 13, 2023

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE THE APPROVAL OF SEALED COMMERCIAL AND
MULTIFAMILY BUILDING PLANS BY LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-1110.1. Commercial and multifamily plan review of sealed plans; third-party plan review alternatives.

(a) Plan Review of Sealed Plans. – For commercial and multifamily building plans submitted with a permit application that require the seal of a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes, a local government shall complete its review of those plans and issue applicable building permit decisions within 21 days, unless otherwise agreed to by all parties. If the local government requests additional information or requires plan resubmission with changes, after receiving requested information and changes from the permit applicant, the local government has up to 15 days to issue all applicable permits.

(b) Third-Party Review to Assist Local Government. – A local government may utilize and contract with the Department of Insurance and its marketplace pool of qualified Code-enforcement officials or contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform plan reviews under this section, provided that the review time does not exceed time frames prescribed by subsection (a) of this section.

(c) Third-Party Review Election by Permit Applicant. – If the local government does not issue applicable building permit decisions or determines it is unable to complete plan reviews within the time frames prescribed by subsection (a) of this section, the permit applicant may elect to utilize the Department of Insurance and its marketplace pool of qualified Code-enforcement officials or elect to hire a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to review and certify submitted plans as required by subsection (d) of this section. Upon acceptance of a completed plan review with certification required by subsection (d) of this section, the local government shall issue applicable permits for the project within 72 hours and will refund or waive all applicable plan review and permit fees for the project upon issuance of the applicable permits.

(d) Third-Party Review Certification Required. – A permit applicant that elects a third-party review under subsection (c) of this section shall provide the local government with a written certification signed by the plan reviewer that plans comply with applicable North



1 Carolina State Building Codes and all other applicable State and local laws. The certification
2 shall be made on a form created by the local government.

3 (e) Local Government Liability. – Upon issuance of applicable permits under subsection
4 (c) of this section, the local government and inspection department are discharged and released
5 from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from
6 any claim arising out of, or attributed to, plans reviewed under subsection (c) of this section.

7 (f) Manufacturer Information. – In the event the local government requires manufacturer
8 specifications or manufacturer engineering information on an element, component, or fixture
9 related to the submitted plans, a local government shall not delay or deny the issuance of
10 applicable permits based upon the receipt of specifications or manufacturer engineering
11 information on an element, component, or fixture."

12 **SECTION 2.** G.S. 143-151.8(a)(3) reads as rewritten:

13 "(3) Code enforcement. – The examination and approval of plans and
14 specifications, the inspection of the manner of construction, workmanship,
15 and materials for construction of buildings and structures and their
16 components, or the enforcement of fire code regulations by any of the
17 following, to assure compliance with the State Building Code and related local
18 building rules:

- 19 a. An employee of the State or local government, except an employee of
20 the State Department of Labor engaged in the administration and
21 enforcement of sections of the Code that pertain to boilers and
22 elevators.
- 23 b. An employee of a federally recognized Indian Tribe employed to
24 perform inspections on tribal lands.
- 25 c. An individual contracting with the State, a local government, or a
26 federally recognized Indian Tribe to perform inspections on tribal
27 lands.
- 28 d. An individual who is employed by a company contracting with a
29 county or a city to conduct inspections.
- 30 e. A person who is contracting with a local government to perform
31 third-party plan reviews under G.S. 160D-1110.1(b).
- 32 f. A person who is contracting with a permit applicant to perform
33 third-party plan reviews under G.S. 160D-1110.1(c)."

34 **SECTION 3.** G.S. 143-151.12(9) reads as rewritten:

35 "(9) Establish within the Department of Insurance a marketplace pool of qualified
36 Code-enforcement officials available for the following purposes:

- 37 a. When requested by the Insurance Commissioner, to assist in the
38 discharge of the Commissioner's duty under G.S. 143-139 to
39 supervise, administer, and enforce the North Carolina State Building
40 Code.
- 41 ...
- 42 c. When requested by a permit applicant under G.S. 160D-1110.1(c)."

43 **SECTION 4.** G.S. 143-151.13 is amended by adding a new subsection to read:

44 "(g) A licensed architect or licensed professional engineer who possesses a valid
45 certificate under subsection (f) of this section, but is not employed by the State or a local
46 government, may utilize that certificate for the limited purpose of performing third-party plan
47 reviews under subsections (b) and (c) of G.S. 160D-1110.1."

48 **SECTION 5.** This act becomes effective October 1, 2023, and applies to permit
49 applications submitted on or after that date.